

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JOSEPH LEWIS PRICE,

Plaintiff,

Civil No. 22-cv-11872
Hon. Matthew F. Leitman

v.

DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 61) AND (2) GRANTING
DEFENDANTS' MOTION TO DISMISS (ECF No. 45)**

Plaintiff Robert Joseph Lewis Price is a former state inmate who at all relevant times was in the custody of the Michigan Department of Corrections. In this action, Price brings several claims against different Defendants all related to alleged violations of his rights that took place during his time in custody. (*See* Am. Compl., ECF No. 27.)

On February 28, 2024, Defendants John Christiansen, Jamie Badgerow, Michael Desco, Patrick Makara, Matt Reed, Matt Macauley, Nathan Brooke, Marrio Cunningham, Shawn Fuller, Brent Ketchum, Megan Inman, Daniel Barnett, Hunter Hagerl, Della (Salinas) Czarnik, and Richard Russell filed a motion to dismiss the claims Price brought against them. (*See* Mot. to Dismiss, ECF No. 45.)

The motion was referred to the assigned Magistrate Judge, and on August 8, 2024, the Magistrate Judge recommended that the Court grant the motion (the “R&R”). (*See* R&R, ECF No. 61.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.760-761.) The Court later extended the time for Price to file objections to September 16, 2024. (*See* Order, ECF No. 66.) In that order, in bold and underlined type, the Court warned Price that “**[t]he Court will not grant any further extensions of the deadline to object to the [R&R].**” (*Id.*, PageID.776.)

Price did not file any objections to the R&R by the September 16 deadline that the Court had set. Nor has he filed objections after that deadline or contacted the Court to explain why he has not filed any objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Price has not filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of the Defendants' motion to dismiss is **ADOPTED**.

IT IS FURTHER ORDERED that the Defendants' motion to dismiss (ECF No. 45) is **GRANTED**. Jones' claims against Defendants John Christiansen, Jamie Badgerow, Michael Desco, Patrick Makara, Matt Reed, Matt Macauley, Nathan Brooke, Marrio Cunningham, Shawn Fuller, Brent Ketchum, Megan Inman, Daniel Barnett, Hunter Hagerl, Della (Salinas) Czarnik, and Richard Russell are **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: September 18, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 18, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126